

OCT 04 2004

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Cheng-Le Zhao

Serial No.: 10/733,895

Filed: December 10, 2003

For: Process for Production of Polymer  
Dispersions Containing an  
Acetoacetate Moiety

Docket No.: IN-9524

Group Art Unit: 1713

Examiner: William K Cheung

I hereby certify that the attached correspondence is being transmitted via facsimile addressed to Commissioner for Patents, PO BOX 1450, Alexandria, VA 22313-1450, on the date shown below to facsimile number 1-703-872-9306.

10-4-04

Date

Michael Morgan

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL SHEET

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This Transmittal Page in duplicate  
Response to Restriction Requirement

Pages

2

2

Total including this cover page 4

## CONDITIONAL PETITION FOR EXTENSION OF TIME

Applicant believes that no extension of time is required. This conditional petition of time is being made, however, to provide for the possibility that applicants have inadvertently overlooked the need for a petition for extension of time. In this event, please charge Deposit Account 23-3425 the necessary extension of time fees. This document is submitted in duplicate.

## AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Director - U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account 23-3425 any fees necessary for entry of any of the above listed documents. This document is submitted in duplicate.

Respectfully submitted,

*Michael F. Morgan*  
Michael F. Morgan, Esq. (Reg. No. 42,906)  
(248) 948-2355

BASF Corporation  
26701 Telegraph Road  
Southfield, MI 48034-2442

Date: October 4, 2004

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action mailed on September 30, 2004, Applicants respond  
through their attorney as follows.

Restriction was required to one of the following groups under 35 U.S.C. §121:

Group	Claims	Description
I	1-14	polymerization process
II	15-28	polymer product made by the polymerization process

Applicants provisionally elect Group I, claims 1-14, with traverse.

The criteria for requiring restriction given in MPEP §803 is:

- (A) The inventions must be independent or distinct as claimed; and  
(B) There must be a serious burden on the examiner if restriction is required.

For the reasons given below, there is no serious burden of examining all of the claims in the  
present application, and, therefore, the criteria for requiring restriction are not met.

There is no burden on examining all of the claims in the present application because a search of the method will also find the product. The claimed product is made by the claimed method. Therefore, only one search is needed to search both the method and the product. Because only one search is needed, there is no burden on examining all of the claims in the application.

In paragraph 4 of the office action, it was stated that a call was made to Shao-Hua Guo (Reg. No. 44,728) to request an oral election. Shao-Hua Guo is not an authorized practitioner for this application. The authorized practitioners are those associated with customer number 26922.

Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

Michael F. Morgan  
Michael F. Morgan/Esq. (Reg. No. 42,906)  
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26701 Telegraph Road  
Southfield, MI 48034-2442

Date: October 4, 2004

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